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Family of child who choked on candy awarded \$50 million

By the Mercury News

San Mateo County Superior Court Presiding Judge Mark Forcum awarded more than \$50 million today to the family of a toddler who died after choking on a gel candy.

The case involved the parents of 2-year-old Jeffrey Jing, who choked on a candy made with konjac jelly on February 22, 2001, in Pocasset, Mass., and died several days later.

A jury trial was set to begin on Monday, but on June 26 the manufacturer failed to produce depositions and the judge declared the trial a default. At a Redwood City hearing today, the plaintiff presented the videotape of his son as evidence to prove how much damage the company's negligence had caused.

The judge said that the case was what punitive damages are designed for when he awarded \$25 million to Hongli Jing, another \$25 million to Jeffery's mother Aibing Li Jing, and \$2,538 for legal expenses.

In May, a Santa Clara County jury awarded a San Jose family \$16.7 million in a different gel candy case.

Eleven-year-old Michelle Enrile lapsed into a coma and eventually died after choking on a piece of gel candy that lodged in her throat.

The verdict by the 10-man, two-woman jury in the nationally watched case was the first of legal challenges confronted by Taiwanese candy maker Sheng Hsiang Jen Foods.

After Mercury News articles raised awareness about the potential danger, the U.S. Food and Drug Administration banned the importation of gel candy in October 2001.

Last year, lawmakers led by San Jose Rep. Mike Honda introduced the "Food Choking Prevention Act of 2002" in the House of Representatives. The proposed legislation would give the FDA the power to recall and put warning labels on food and candy. The bill has been referred to the House subcommittee on health.

The candy is nicknamed "the deadly mouthful" in Japan, where it is blamed in eight deaths, said Terry O'Reilly, the Enriles' attorney.

Mercury News wire services contributed to this report.